

REMARKS

In the present Amendment, claim 1 has been amended to incorporate the subject matter of claim 10. Claim 10 has been cancelled. Claim 11 has been amended to improve its form. Claim 19 has been amended to depend from claim 1 and to recite that a chelating agent is added to the mixture of the items (D) and (E) during the production of the modified conjugated diene polymer. Section 112 support for the amendment is found, for example, in paragraph [0050] of the specification. New claims 20-37 have been added. Section 112 support for claim 20 is found, for example, in paragraph [0050] of the specification. Section 112 support for claim 21 is found, for example, in paragraph [0011] and Examples of the specification. Claims 22-37 correspond to claims 2-9 and 11-18, respectively, but depend from claim 21, directly or indirectly. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 1-9 and 11-37 will be pending.

In paragraph No. 2 of the Action, Claims 1-19 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being unpatentable over Favrot et al (US 6,624,267).

Applicants submit that this rejection should be withdrawn because Favrot et al does not disclose or render obvious the presently claimed rubber composition or tire.

Although both of the conjugated diene polymer in the present invention and the modified polymer of Favrot et al are anionically polymerized and the catalyst system used for the conjugated diene polymer in the present invention comprises the same components as the catalyst system used for the modified polymer of Favrot et al, the conjugated diene polymer in the present invention is formed in the presence of a hydrocarbon, an ether, an amine or a

chelating agent. Therefore, the conjugated diene polymer in the present invention is different from the modified polymer of Favrot et al, as discussed in detail below.

In the present invention, the conjugated diene polymer is formed by polymerizing the monomers with (D) a lithioamine or a mixture of (D) a lithioamine and (E) a specified organic alkali metal compound as a polymerization initiator, in the presence of at least one selected from the group consisting of a hydrocarbon, an ether, an amine and a chelating agent.

It is well known in the art that a polymer synthesized in the presence of a hydrocarbon, an ether, an amine or a chelating agent cannot have a 1,4-trans bond content in the butadiene portion of more than 50%. Therefore, the conjugated diene polymer in the present invention does not have a 1,4-trans bond content in the butadiene portion of more than 50%.

In contrast, the modified polymer of Favrot et al is required to have a 1,4-trans bond content in the butadiene portion of 70% or more. Therefore, Favrot et al teaches away the use of a polymer having a 1,4-trans bond content in the butadiene portion of less than 70%.

Further, a polybutadiene having a high 1,4-trans bond content is crystalline, so that the modified polymer of Favrot et al is absolutely different from the conjugated diene polymer used in the present invention.

Therefore, claim 1 as amended and the claims dependent therefrom are not anticipated by or obvious over Favrot et al.

Claim 21 recites that the conjugated diene polymer has a vinyl bond content of not less than 14%.

In contrast, Favrot et al only discloses modified polymers having a vinyl bond content in butadiene portion of 2 to 4% in the Examples.


Therefore, claim 21 and the claims dependent therefrom are not anticipated by or obvious over Favrot et al.

In view of the above, reconsideration and withdrawal of the §103(a) rejection based on Favrot et al are respectfully requested.

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 2, 2008

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q90435

Satoshi MIKAMI, et al.

Appln. No.: 10/550,554

Group Art Unit: 1713

Confirmation No.: 1881

Examiner: Peter D. Mulcahy

Filed: September 26, 2005

For: RUBBER COMPOSITION CONTAINING MODIFIED CONJUGATED DIENE
POLYMER AND TIRE

EXCESS CLAIM FEE PAYMENT LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Amendment Under 37 C.F.R. § 1.116 is attached hereto for concurrent filing in the above-identified application. The resulting excess claim fee has been calculated as shown below:

	After Amendment		Highest No. Previously Paid For						
All Claims	<u>36</u>	-	<u>20</u>	=	<u>16</u>	X	<u>\$50.00</u>	=	<u>\$800.00</u>
Independent	<u>2</u>	-	<u>3</u>	=		X	<u>\$210.00</u>	=	<u>\$.00</u>
TOTAL								=	<u>\$800.00</u>

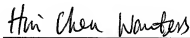
The statutory fee of \$800.00 is being charged to Deposit Account No. 19-4880 via EFS payment screen. The USPTO is directed and authorized to charge all required fees, except for

EXCESS CLAIM FEE PAYMENT LETTER
U. S. Application No.: 10/550,554

Attorney Docket No.: Q90435

the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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